

MOTION BY SUPERVISOR GLORIA MOLINA

August 13, 2007

In response to the recent failure notification from the Centers for Medicare and Medicaid Services (CMS), the Department of Health Services (DHS) has closed Martin Luther King, Jr-Harbor Hospital's (MLK-H) Emergency Room and In-patient admission functions—necessary steps to ensure patient safety—while retaining critical Urgent Care and other outpatient clinic services.

While a number of MLK-Harbor staff and contractors will remain to support the Urgent Care and outpatient clinics on site, a significant number of staff are expected to be transferred to appropriate positions in other County facilities.

Despite repeated representations from DHS and MLK-Harbor management that the hospital's staff is the "most trained and tested in the County," the CMS letter of August 10 revealed significant staff failures involving patient supervision, infection control, and the capacity to calculate correct medication dosages to pediatric patients. Therefore, any plan to transfer staff to other facilities in the County must be approved by this Board prior to transfer. This Board must ensure that no employee who is

MOTION

Molina	_____
Burke	_____
Knabe	_____
Antonovich	_____
Yaroslavsky	_____

demonstrating failure in competency for his or her classification be transferred to another facility.

I, THEREFORE, MOVE THAT

1. By tomorrow, August 14, 2007, the CEO in collaboration with DHS and DHR immediately determine the number and classifications of staff to be transferred from MLK-Harbor hospital to other facilities in the County. The determination of staff remaining at MLK-Harbor must be based on actual clinical need, be consistent with staffing patterns throughout the system, and, to the extent possible, reflect the demographic and linguistic realities of its patient population.
2. In one week, prepare a detailed plan to assess the competency in their classification of all staff remaining at MLK-Harbor and those to be transferred to other County facilities. Evaluation and assessment to be completed by an independent body, determined by the CEO. This body should hold MLK-Harbor staff to the same competency level expected of all others in the system at each respective classification level. Any staff member not meeting the expected competency level will not be transferred until the standard is reached or a position is found commensurate with the employee's skill level.
3. The plan must ensure that appropriate resources for follow-up, monitoring and support is provided at the transferred employees' receiving institutions.
4. Direct CEO with the cooperation of DHS to assemble a separate negotiating team to oversee and negotiate a contract for a replacement operator for MLK-H. By tomorrow the CEO in collaboration with DHS must identify all the ideal contractual elements for an operator for MLK. A set of contract elements of an "ideal"

contracting partnership should be presented to the Board in Closed Session tomorrow. A team designated by the CEO in conjunction with DHS should be established to implement a very tight timeframe to ensure the hospital's reopening within 12 months. Recruitment should be limited to three months. Negotiations and Conclusion of Contract should be limited to three months. Contractor should be limited to three months to recruit staff and prepare facility. Contractor should be limited to three months to train and prepare personnel.

5. The CMS Statement of Sufficiency on MLK-H is to be released to the public. Additionally, a statement of mitigation to be prepared in order to schedule appropriate Beilenson Hearings.

MJ/jp